

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRUCE SETH PORTNER, et al.,

Plaintiffs,

v.

SPECIALIZED LOAN SERVICES, LLC, et
al.,

Defendants.

Case No. 15-cv-01736-VC

**ORDER GRANTING MOTION TO
DISMISS AND MOTION FOR
JOINDER**

Re: Dkt. Nos. 85, 89

NBS Default Services, LLC's motion for joinder in the motion to dismiss is granted, and the motion to dismiss is granted with leave to amend. The Portners' defamation claim is dismissed because they haven't alleged malice in anything other than conclusory fashion. *See Gorman v. Wolpoff & Abramson, LLP*, 584 F.3d 1147, 1166-69 (9th Cir. 2009). Their claims for wrongful foreclosure and cancellation of instruments are dismissed because they haven't plausibly alleged a set of facts that would render the assignment of the deed of trust void, as opposed to merely voidable. *See Yvanova v. New Century Mortgage Corp.*, 365 P.3d 845, 861 (Cal. 2016). And the Portners don't oppose dismissal of their RESPA claim concerning force-placed hazard insurance.

If the Portners wish to file an amended complaint, they may do so within 14 days of this order.

IT IS SO ORDERED.

Dated: July 26, 2016



VINCE CHHABRIA
United States District Judge